



MIAMI BEACH

City Commission Meeting

ADDENDUM MATERIAL

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 11, 2006

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R10 - City Attorney Reports

R10C Notice Of Closed City Commission Session.
Pursuant To Section 768.28, Florida Statutes, A Closed City Commission Session Will Be Held During Lunch Recess Of The City Commission Meeting On April 11, 2006 To Discuss The Following Risk Management Claims:

Frederica E. Breaux, As Administratrix Of The Estate Of Zachary Charles Breaux, Deceased Vs. City Of Miami Beach, Et. Al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-3808 CA 27 And Rabbi Israel Poleyeff, As Personal Representative Of The Estate Of Eugenie Poleyeff, Deceased, Vs. Sevilla Beach Hotel Corporation, Et. Al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-04209 CA 13

The Closed City Commission Session Will Be Held In The City Manager's Large Conference Room, Fourth Floor, City Hall.

Reports and Informational Items

- F City Attorney's Status Report. (City Attorney's Office)

End of Addendum

**Office of the City Attorney
City of Miami Beach**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin *MD*
City Attorney

SUBJECT: Notice of Closed City Commission Session

DATE: April 11, 2006

Pursuant to Section 768.28, Florida Statutes, a Closed City Commission Session will be held during lunch recess of the City Commission meeting on April 11, 2006 to discuss the following Risk Management claims:

Frederica E. Breaux, as Administratrix of the Estate of Zachary Charles Breaux, deceased vs. City of Miami Beach, et. al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-3808 CA 27 and Rabbi Israel Poleyeff, as Personal Representative of the Estate of Eugenie Poleyeff, Deceased, vs. Sevilla Beach Hotel Corporation, et. al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-04209 CA 13

The Closed City Commission Session will be held in the City Manager's Large Conference Room, Fourth Floor, City Hall.

cc: Risk Management

Agenda Item R10C
Date 4-11-06

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
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COMMISSION MEMORANDUM

DATE: April 11, 2006

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin *DRB*
City Attorney

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Selma Sohnen, and Edward Sohnen, her husband, vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-3719 CA06

The City was served with this Complaint on March 1, 2006, wherein the Plaintiffs alleges that on March 29, 2005, Selma was caused to trip and fall due to a unexpected change in elevation of the sidewalk located between 1614 and 1627 Euclid Avenue, thereby sustaining a fractured wrist. Her husband, Edward, has filed a loss consortium claim; however, a motion to dismiss and/or abate his claim has been filed as he did not give proper statutory notice to the City. An Answer and Affirmative Defenses has been filed and discovery propounded.

2. HH Miami Beach LLC, d/b/a Hustler Hollywood vs. City of Miami Beach. U.S. District Court, Southern District of Florida, Case No. 06-20487 CIV-MORENO

This case challenges as arbitrary and capricious, and unconstitutional, the city's administrative policy of allowing 15% or 150 sq. ft., whichever is less, of a retail establishment to include the display and sale of adult materials, subject to certain conditions, and the distance

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separation regulations for adult establishments in the City Code, among other related claims, which apply to the plaintiff's Hustler Hollywood store on Washington Avenue.

3. Dorothy Cohn vs. The City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-03909 CA15

The City was served with this Complaint on March 6, 2006, wherein the Plaintiff alleges that on May 7, 2005, the plaintiff was walking on the sidewalk located at 1562 West Avenue when she tripped and fell over an alleged uneven flag of sidewalk, thereby sustaining a fractured left hip necessitating a partial hip replacement. An answer and affirmative defenses will be timely filed and discovery propounded.

4. South Florida Art Center Inc., vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-04952 CA10

This is an inverse condemnation action by a property owner whose parking lot was declared unsafe due to the unsafe structure next (the Neptune 1632 Meridian Avenue). The City has just been served and will be preparing its answer.

5. In Re: South Beach Community Hospital, LLC a/k/a South Shore Hospital, U.S. Bankruptcy Court Southern District of Florida, Case No. 06-10634-LMI, Chapter 11

This is a bankruptcy case, filed with the U.S. Bankruptcy Court on February 27, 2006. The Bankruptcy Court has approved a sixty day utility deposit of \$8,000, payable to the City of Miami Beach. The hospital is closed at this time therefore that sum for utilities is reasonable. The City will be submitting a Proof of Claim to the Bankruptcy Court for unpaid pre-petition utility, permit and license fees.

6. Danilo Medic vs. City of Miami Beach, a political subdivision of the State of Florida. Eleventh Judicial Circuit, Case No. 06-04269 CA11

The City was served with this Complaint on March 16, 2006, wherein the Plaintiff alleges that on February 29, 2004, he was falsely arrested and unlawfully detained by the City's police department for allegedly

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transporting prostitutes. An answer and affirmative defenses will be timely filed and discovery propounded.

7. 900 Collins Avenue, LLC, a Florida limited liability company vs. City of Miami Beach, a Florida municipal corporation, and Thomas Velazquez, Building Official, City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-05341 CA09

This case seeks a writ of mandamus directing the Building Official to issue a demolition permit for the demolition of the coral rock structure/Avery Smith home, at 900 Collins Avenue, without the required certificate of appropriateness for demolition from the City's historic preservation board, based on an exemption in the code for orders of unsafe structures boards, which the City has determined does not apply. The City is preparing a response to the complaint, which it will file shortly.

8. Raul Gomez and Yolanda Gomez vs. City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-3213 CA24

The City was served with this Complaint on March 23, 2006, wherein the Plaintiff alleges that on November 23, 2003, Raul was traveling southbound on I-75 one-half mile north of NW 154th Street in Hialeah, when his motorcycle was struck by the police car operated by Eric Dominguez, thereby causing plaintiff to be thrown from his motorcycle and allegedly causing him to sustain significant personal injuries. An answer and affirmative defenses will be timely filed and discovery propounded.

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